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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,117	12/13/2000	Michael Albert Haase	56217USA9A.002	3672

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EXAMINER

WARD, JOHN A

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/736,117

Applicant(s)

HAASE, MICHAEL ALBERT

Examiner

John A. Ward

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Krietzman (US 6,000,813).

Regarding claim 2, Krietzman ('813) discloses a laser pointer 10 comprising of a plurality of laser elements capable of emitting beams of visible light, at least two laser elements emitting light at different frequencies and at least one of the laser elements are a laser diode 100 (column 3, lines 26-36).

Regarding claim 5, column 3, lines 26-31 that no more than one-laser diode may be actuated at any one time.

Claims 3, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Krietzman (US 6,000,813).

Regarding claim 3, Krietzman ('813) discloses a laser pointer 10 comprising of a plurality of laser elements capable of emitting beams of visible light, at least two laser elements emitting light at different frequencies and at least one of the laser elements are a laser diode 100 (column 3, lines 26-36).

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Regarding claim 6, column 3, lines 26-31 that no more than one-laser diode may be actuated at any one time.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7, 10, 13, 16, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krietzman (US 6,000,813)

Regarding claim 1, Krietzman ('813) discloses a laser pointer 10 comprising of a plurality of laser elements capable of emitting beams of visible light, at least two laser elements emitting light at different frequencies and at least one of the laser elements are a laser diode 100 (column 3, lines 26-36).

Regarding claim 4, column 3, lines 26-31 that no more than one-laser diode may be actuated at any one time.

Regarding claim 7, Krietzman does not disclose the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the laser elements substantially parallel, since it has

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been held that rearranging parts of an invention involves only routine skill in the art. ***In re Japikse, 86 USPQ 70.***

Regarding claim 10, Krietzman does not teach that at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, orange or yellow and green, blue, or violet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 13, Krietzman does not teach that the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength.

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, green, or blue, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 1, and 24, Krietzman does not disclose the electronic device weighing no more than 450 grams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electronic device weighing no more than 450 grams

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since the applicant has not disclosed that the weight of the device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the weight above 450 grams.

Regarding claims 16 and 20, Krietzman does not teach that the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode. .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Claims 8, 11, 14, 17, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krietzman (US 6,000,813).

Regarding claim 8, 11, 14, 17, 21 and 22 Krietzman discloses all the limitations of the claimed invention including a laser pointer having a plurality of laser elements emitting light at different frequencies.

Regarding claim 8, Krietzman does not discloses the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the laser elements substantially parallel, since it has been held that rearranging parts of an invention involves only routine skill in the art. ***In re Japikse, 86 USPQ 70.***

Regarding claim 11, Krietzman does not teach that at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, orange or yellow and green, blue, or violet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 14, Krietzman does not teach that the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength.

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, green, or blue, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

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Regarding claims 17 and 21, Krietzman does not teach that the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Regarding claim 22, Krietzman does not disclose the electronic device weighing no more than 450 grams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electronic device weighing no more than 450 grams since the applicant has not disclosed that the weight of the device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the weight above 450 grams.

Claims 9, 12, 15, 18, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krietzman (US 6,000,813).



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Regarding claim 9, 12, 15, 18, 19 and 23 Krietzman discloses all the limitations of the claimed invention including a laser pointer having a plurality of laser elements emitting light at different frequencies.

Regarding claim 9, Krietzman does not disclose the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the laser elements substantially parallel, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 12, Krietzman does not teach that at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, orange or yellow and green, blue, or violet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 15, Krietzman does not teach that the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength.

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It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, green, or blue, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claims 18 and 19, Krietzman does not teach that the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Regarding claim 23, Krietzman does not disclose the electronic device weighing no more than 450 grams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electronic device weighing no more than 450 grams since the applicant has not disclosed that the weight of the device solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the weight above 450 grams.

***Response to Arguments***

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on January 13, 2003 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 703-305-5157. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers

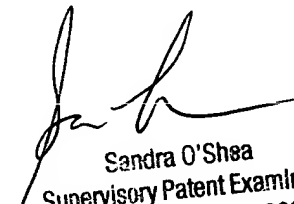
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for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0596.

JAW  
May 21, 2003

John A. Ward  
Patent Examiner AU 2875



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800